

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SECOND AMENDED MASTER SHORT
FORM COMPLAINT FOR DAMAGES
FOR INDIVIDUAL CLAIMS AND
DEMAND FOR JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Barry Tuttle

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

Ohio

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of injury:

Ohio

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Ohio

1 7. District Court and Division in which venue would be proper absent direct filing:

2
3 United States District Court - Northern District of Ohio (Eastern) division

4 8. Defendants (check Defendants against whom Complaint is made):

5 X C.R. Bard Inc.

6 X Bard Peripheral Vascular, Inc.

7 9. Basis of Jurisdiction:

8 X Diversity of Citizenship

9 ☐ Other: _____

10 a. Other allegations of jurisdiction and venue not expressed in Master
11 Complaint:

12 _____
13 _____
14 _____

15 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a
16 claim (Check applicable Inferior Vena Cava Filter(s)):

17 ☐ Recovery[®] Vena Cava Filter

18 X G2[®] Vena Cava Filter

19 ☐ G2[®] Express Vena Cava Filter

20 ☐ G2[®] X Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

☐ Denali® Vena Cava Filter

☐ Other: _____

11. Date of Implantation as to each product:

November 15, 2007

12. Counts in the Master Complaint brought by Plaintiff(s):

X Count I: Strict Products Liability – Manufacturing Defect

X Count II: Strict Products Liability – Information Defect (Failure to Warn)

X Count III: Strict Products Liability – Design Defect

X Count IV: Negligence - Design

X Count V: Negligence - Manufacture

☐ Count VI: Negligence – Failure to Recall/Retrofit

X Count VII: Negligence – Failure to Warn

X Count VIII: Negligent Misrepresentation

X Count IX: Negligence *Per Se*

X Count X: Breach of Express Warranty

X Count XI: Breach of Implied Warranty

X Count XII: Fraudulent Misrepresentation

X Count XIII: Fraudulent Concealment

X Count XIV: Violations of Applicable _____ (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

X Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

X Yes

☐ No

RESPECTFULLY SUBMITTED this 5th day of December, 2016.

LAW OFFICES OF BEN C. MARTIN

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COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of December, 2016, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Ben C. Martin
Ben C. Martin